

REMARKS/ARGUMENTS

Re-examination and favorable reconsideration in light of the above amendments and the following comments are respectfully requested.

Claims 20 - 31, 33 - 37, and 39 - 49 are pending in the application. Currently, claims 20 - 31, 33 - 37, and 39 - 49 stand rejected.

By the present amendment, claims 20, 28, 29, 31, 40 - 44, and 47 - 49 have been amended; claims w1 - 27, 39, and 46 have been cancelled without prejudice; and new claim 66 has been added to the application.

In the office action mailed May 11, 2011, claims 20 - 30, 35 - 37, and 39 - 49 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,190,131 to Robinson; and claim 31 was rejected under 35 U.S.C. 103(a) as being unpatentable over Robinson in view of U.S. Patent No. 6,077,613 to Gaffigan.

The foregoing rejections are traversed by the instant response.

As amended herein, independent claim 20 is directed to a wooden material wall, ceiling, or floor panel, including a wooden substrate and a multiple surface coating applied at least on parts thereof, which comprises at least one layer of transparent plastics, wherein the at least one layer of transparent plastics borders onto a layer of varnish or a layer of paint or pigments and has a Shore hardness A from 20 up to 90 and wherein the at least one layer of transparent plastics is a non-externally exposed layer.

With respect to the rejection of claim 20 on obviousness grounds, it should be noted that Robinson discloses a cover designed to insulate a noise-generating source (machine tool).

In other words, Robinson describes a barrier between noise and a person or surroundings which are affected by said noise. The present invention is directed to a wall, ceiling or floor panel which are not designed to act as barriers between a source of noise and persons affected by such noise. The present invention is directed to panels which are meant to dampen noise created by persons so that reflections of said noise in the same room are dampened. This is clearly expressed in claim 20 by the wording "wall, ceiling or floor panels" instead of "a cladding for reducing the noise ... adapted to cover (claim 14 of Robinson)."

In the present application, page 1, paragraph 0004, last sentence, the inventor clearly addresses the problem that "the lack of sound dampening ability of such wall or ceiling panels or boards renders premises unpleasantly noisy." Page 5, paragraph 1, likewise addresses problems and objectives basically different from Robinson.

Robinson describes the essential layers of the cladding covering the source of noise to comprise a vibration-isolating material (1st layer), a sound-insulating barrier (intermediate layer) and a layer for surface protection (outer layer). Robinson does not disclose a wood material panel having a wooden substrate. Robinson discloses clearly the function each layer fulfils. It is not clear to the expert which function a wooden substrate may contribute to the cladding of Robinson or which layer might be replaced by a wooden material panel.

Robinson teaches to use a layer of vibration-insulating material (claim 14). In the subsequent claims, this vibration-insulating material is described to have a Shore 00 hardness, whereas the present invention is directed to a Shore A hardness.

Robinson further teaches one to use an extremely heavy material (lead, metal-loaded plastic material) as a sound-

insulating barrier. Robinson does not teach one to select the sound-insulating barrier according to the Shore hardness of the material. It means reading the state of the art backwards to argue that lead and metal-loaded plastic material have also a low Shore hardness.

Still further, Robinson says that the sound-insulating barrier is opaque. The present invention claims at least one transparent layer of plastics.

Further, the claim calls for the layer of transparent plastics to border onto a layer of paint or pigments. Robinson teaches that the sound-insulating barrier borders onto the first layer which faces the source of noise on the one side and on the other side faces a layer of bitumen. Neither is the sound-insulating barrier of Robinson transparent nor does it border onto a layer of paint or pigments.

Claim 20 also calls for the layer of transparent plastics to be a non-externally exposed layer. The first layer of Robinson is an externally exposed layer. It is especially stated in the description of the present application that it is advantageous to include a transparent layer of low Shore hardness into a multiple surface coating, e.g. page 5, para. 4 to page 6, para. 2) Such a layering of a surface coating is not taught by Robinson.

Claim 20 calls for a multiple surface coating. The only surface Robinson mentions is the surface of the source of noise (e.g. the machine tool) which is to be covered. No coating of surfaces is cited. It is expressly mentioned that a cladding or cover has been developed to create a sound-insulating barrier.

For these reasons, claim 20 is not rendered obvious by Robinson.

Claims 28 - 31, 33 - 37, 40 - 45, 47 - 49, and 66 are allowable for the same reasons as claim 20 as well as on their own accord. The Gaffigan reference does not cure the aforementioned deficiencies of Robinson.

The instant application is believed to be in condition for allowance. Such allowance is respectfully submitted.

Should the Examiner believe an additional amendment is needed to place the case in condition for allowance, the Examiner is hereby invited to contact Applicant's attorney at the telephone number listed below.

Attached hereto is an IDS bringing EP 1,262,607 to Windmoller to the Examiner's attention. Claim 20 is considered to be allowable over Windmoller.

Windmoller teaches a wood material panel for wall, ceiling or floor with a wood-based board onto which layers of different material are laminated. First, a decorative paper sheet is laminated onto the board. The decorative paper sheet is covered by a wear-resistant layer. The improvement of Windmoller with regard to sound-dampening is that the decorative paper sheet is backed by an elastic layer.

The product according to the present invention claims a panel with a plastics layer which is non-externally exposed but which borders onto a layer of pain, pigment or varnish. Thus, the plastics layer according to the present invention may be arranged upon a layer of paint providing the décor and below a layer of varnish providing the necessary wear-resistance. Accordingly, the plastics layer has to be transparent in order to not cover the décor. This is an important step forward because the decorative paper sheet can be omitted and good sound-dampening can be provided for those panels which are

painted and lacquered instead of laminated with decorative paper sheets and wear layers.

A request for a one month extension of time is enclosed herewith. The Director is hereby authorized to charge the extension of time fee in the amount of \$130.00 to Deposit Account No. 02-0184.

If the Director determines that an additional fee is due in connection with this response, he is hereby authorized to charge said fee to said Deposit Account No. 02-0184.

Respectfully submitted,

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Date: September 6, 2011